

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF PSYCHOLOGY  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JAMES H. EISENSHTADT, PH.D., L.M.S.W.

License Numbers: 63-01-003797

68-01-000484

File Number: 63-12-125455

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Licensing and Regulatory Affairs, hereafter Complainant, by Rae Ramsdell, Director, Bureau of Health Professions, and files this Complaint against James H. Eisenshtadt, Ph.D., L.M.S.W., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Psychology, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 33.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent is currently licensed to practice as a psychologist in the state of Michigan and holds a current license to practice as a licensed master's social worker.

3. Section 16233(5) of the Public Health Code, supra, provides in pertinent part, as follows:

If a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum term of two years; or a misdemeanor involving the illegal delivery, possession or use of a controlled substance, the department shall find that the public health, safety, or welfare requires emergency action and, in accordance with section 92 of the administrative procedures act of 1969, shall summarily suspend the licensee's license or the registrant's registration.

4. Section 6107(3) of the Public Health Code, supra, provides, in pertinent part, as follows:

"Substance abuse" is defined as the taking of alcohol or other drugs at dosages that place an individual's social, economic, psychological, and physical welfare in potential hazard or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, or while habitually under the influence of alcohol or drugs, endangers public health, morals, safety, or welfare, or a combination thereof.

5. On July 6, 2011, in the 48<sup>th</sup> Judicial District Court, Oakland County, Michigan, Respondent was convicted of Operate While Impaired Controlled Substance, a misdemeanor, in case number 11WB03604. Respondent was sentenced to jail for a period of 11 days (with credit for one day). Respondent was also placed on probation for a period of one year. The terms of probation required, in part, that Respondent attend outpatient treatment and pay a fine, costs and fees totaling \$1,930.00. A copy of the conviction documents, marked Exhibit A, is attached and incorporated.

### COUNT I

Respondent's conviction, as set forth above, evidences a conduct, practice or condition, which impairs, or may impair, the ability to safely and skillfully practice the health profession, in violation of section 16221(a) of the Public Health Code, supra.

### COUNT II

Respondent's conviction, as set forth above, evidences substance abuse, in violation of section 16221(b)(ii) of the Public Health Code, supra.

### COUNT III

Respondent's conviction, as set forth above, indicates that Respondent suffers from a mental or physical inability reasonably related to and adversely affecting Respondent's ability to practice in a safe and competent manner, in violation of section 16221(b)(iii) of the Public Health Code, supra.

### COUNT IV

Respondent's conviction, as set forth above, constitutes conviction of a misdemeanor involving the illegal delivery, possession, or use of a controlled substance, in violation of section 16221(b)(v) of the Public Health Code, supra.

COUNT V


Respondent's conviction, as set forth above, constitutes conviction of a misdemeanor that is reasonably related to or that adversely affects the licensee's ability to practice in a safe and competent manner, in violation of section 16221(b)(xi) of the Public Health Code, supra.

WHEREFORE, Complainant requests that a hearing be scheduled pursuant to the Administrative Procedures Act of 1969, MCL 24.201 et seq; the Public Health Code, and the rules promulgated thereunder, to determine whether disciplinary action shall be taken against Respondent for the reasons set forth above.

FURTHER, pending a hearing and final determination of the within cause, and pursuant to section 16233(5) of the Public Health Code, supra, Complainant states that the public health, safety, and welfare requires emergency action and Respondent's license to practice as psychologist in the state of Michigan shall be accordingly summarily suspended.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Rae Ramsdell, Director, Bureau of Health Professions, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

  
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Rae Ramsdell, Director  
Bureau of Health Professions

Dated: 11-13-2012

**Attachments**

This is the last and final page of an Administrative Complaint in the matter of James H. Eisenshtadt, Ph.D., L.M.S.W., File Number 63-12-125455, before the Disciplinary Subcommittee of the Michigan Board of Psychology, consisting of five pages, this page included.

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